



Atty. Dkt. No. 028622-0125

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Horst HEIRLER
Title: Use of medium-chain triglycerides (MCT) for optimisation
as to nutrition physiology of the fatty acid spectrum in a
dietary foodstuff for diabetics
Appl. No.: 10/717,990
Filing Date: 11/21/2003
Examiner: Leslie A. ROYDS
Art Unit: 1614
Confirmation Number: 8166

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated September 28, 2009, finally rejecting Claims 1, 3-6 and 9-22.

☒ Applicant claims small entity status.

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

☒ Notice of Appeal Fee

03/29/2010 HUUONG1 00000070 10717990

01 FC:2401
02 FC:2253

270.00 OP
555.00 OP

☒ To be paid as detailed below

☐ Not required (Fee paid in prior appeal)

The required fees are calculated below:

<input checked="" type="checkbox"/>	Notice of Appeal Fee	\$540.00
<input checked="" type="checkbox"/>	Extension for response filed within the third month:	\$1,110.00
<input type="checkbox"/>	Extension:	\$0.00
	FEE TOTAL:	\$1,650.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):	\$825.00
	TOTAL FEE:	\$825.00

A credit card payment form in the amount of \$825.00 is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16, 1.17 and 41.20, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

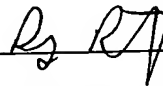
Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date March 26, 2010

FOLEY & LARDNER LLP
 Customer Number: 22428
 Telephone: (202) 295-4620
 Facsimile: (202) 672-5399

By



Benjamin A. Berkowitz
 Attorney for Applicant
 Registration No. 59,349